



1 not be used to raise arguments or present evidence for the first time when they could  
2 reasonably have been raised earlier in the litigation. Id.

3 There is nothing in Plaintiff Simon's Motion that would warrant the Court to  
4 reconsider and amend its previous Order, which dismissed Simon's Complaint in its entirety  
5 with prejudice for failure to state a claim. The Court notes that the most appropriate manner  
6 in which to challenge a final judgment issued by a district court is through the appellate  
7 process, rather than a Rule 59 motion. As such, Simon's Motion for Reconsideration will  
8 be denied.

9 In addition, although Simon has filed a motion for the district court to grant him leave  
10 to proceed in forma pauperis ("IFP"), the Court notes that it has already granted Simon's IFP  
11 request, which is available on the Court's docket at document number five. As such,  
12 Simon's Motion for Leave is moot, since his IFP status remains in place through the  
13 appellate process.

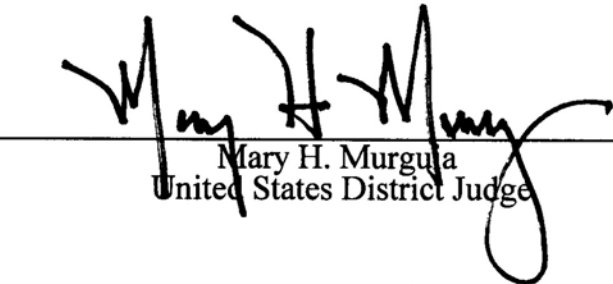
14 **Accordingly,**

15 **IT IS HEREBY ORDERED** denying Plaintiff John Steven Simon's Motion for  
16 Reconsideration, (Dkt.#69,70).

17 **IT IS FURTHER ORDERED** denying as moot Plaintiff John Steven Simon's  
18 Motion for Leave to Proceed In Forma Pauperis, (Dkt.#72)

19 DATED this 18<sup>th</sup> day of March, 2010.

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Mary H. Murgula  
United States District Judge